

Before the
Federal Communications Commission
Washington, D.C. 20554

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| In the Matter of |) | |
| |) | |
| Jairo Diaz |) | File Number: EB-07-NY-041 |
| |) | |
| Paterson, NJ |) | NAL/Acct. No: 200732380011 |
| |) | |
| |) | FRN: 0016 2735 91 |

FORFEITURE ORDER

Adopted: November 9, 2007

Released: November 15, 2007

By the Regional Director, Northeast Region, Enforcement Bureau:

1. In this *Forfeiture Order* (“*Order*”), we issue a monetary forfeiture in the amount of seventeen thousand dollars (\$17,000) to Jairo Diaz (“Diaz”) for willfully and repeatedly violating Sections 301 and 303(n) of the Communications Act of 1934, as amended (“Act”),¹ by operating an unlicensed radio transmitter on the frequency 90.5 MHz in Paterson, NJ, and failing to permit a station inspection.

2. On July 27, 2007, the Commission’s New York Field Office issued a *Notice of Apparent Liability for Forfeiture* (“NAL”) in the amount of \$17,000 to Diaz.² Diaz has not filed a response to the NAL. Based on the information before us, we affirm the forfeiture.

3. **ACCORDINGLY, IT IS ORDERED** that, pursuant to Section 503(b) of the Communications Act of 1934, as amended (“Act”),³ and Sections 0.111, 0.311 and 1.80(f)(4) of the Commission’s Rules,⁴ Jairo Diaz **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$17,000 for willfully and repeatedly violating Sections 301 and 303(n) of the Act.

4. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within thirty (30) days of the release of this *Order*. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.⁵ Payment of the forfeiture must be made by check or similar instrument, payable to the order

¹ 47 U.S.C. §§ 301 and 303(n).

² *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200732380011 (Enf. Bur., New York Office, rel. July 27, 2007).

³ 47 U.S.C. § 503(b).

⁴ 47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4).

⁵ 47 U.S.C. § 504(a).

of the Federal Communications Commission. The payment must include the NAL/Acct. No. and FRN No. referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 358340, Pittsburgh, PA 15251-8340. Payment by overnight mail may be sent to Mellon Bank /LB 358340, 500 Ross Street, Room 1540670, Pittsburgh, PA 15251. Payment by wire transfer may be made to ABA Number 043000261, receiving bank Mellon Bank, and account number 911-6106. Requests for full payment under an installment plan should be sent to: Associate Managing Director, Financial Operations, 1A625, 445 12th Street, S.W., Washington, D.C. 20554.⁶

5. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by First Class Mail and Certified Mail Return Receipt Requested to Jairo Diaz at his address of record.

FEDERAL COMMUNICATIONS COMMISSION

Russell Monie, Jr.
Regional Director, Northeast Region
Enforcement Bureau

⁶ See 47 C.F.R. § 1.1914.